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RAY MARSHALL SOL (MSHA) V. TRAIL MOUNTAIN COAL  
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

RAY MARSHALL,  
SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER

Civil Penalty Proceeding

Docket No. DENV 78-460-P  
42-01211-02005

Trail Mountain Mine

v.

TRAIL MOUNTAIN COAL CO.,  
RESPONDENT

DECISION

On April 2, 1979, Petitioner moved to withdraw its petition for civil penalty pursuant to 29 CFR 2700.15(b). As grounds therefore, petitioner avers that Respondent has agreed to pay the assessed civil penalty of \$466 in full.

The motion to withdraw the petition is GRANTED, subject to the case being reopened if the assessed penalty is not paid as agreed to by the parties.

The hearing scheduled for Tuesday, April 10, 1979, in Salt Lake City, Utah was VACATED.

Malcolm P. Littlefield  
Administrative Law Judge